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| 09/854,198 | 05/11/2001 | Arvind Puntambekar | SYCS-013 | 7925 |
| 959 | 7590 | 09/09/2005 | EXAMINER | |
| LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109 | | | SHAND, ROBERTA A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2665 | |

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,198

Applicant(s)

PUNTAMBEKAR, ARVIND

Examiner

Roberta A. Shand

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-23 is/are rejected.
- 7) ☒ Claim(s) 3 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-13, 15, 16 and 18-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Missett (U.S. 6621789 B1).

3. Regarding claim 1, Missett teaches (figs. 3 and 6) a node in a communications network, comprising: an identification code; a control mechanism including configuration information (hardware serial number) for the node; and an alarm (col. 24, lines 6-9) generator in the control mechanism for raising an alarm to a network user if there is a mismatch between the identification code and the configuration information (col. 17, line 12 – col. 18, line 12).

4. Regarding claim 2, Missett teaches (col. 17, line 12 – col. 18, line 12) the identification code is programmed into the backplane of the node.

5. Regarding claims 4 and 16, Missett teaches (col. 17, line 12 – col. 18, line 12) the node permits live communications traffic to continue uninterrupted through the node during the mismatch.

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6. Regarding claim 5, Missett teaches (fig. 3) at least one line card containing hardware elements, wherein the control mechanism separated from the line card.
7. Regarding claim 6, Missett teaches (col. 17, lines 34-41) the identification code comprises a chassis serial number.
8. Regarding claim 7, Missett teaches (col. 18, line 14 – col. 19, line 5) the control mechanism is a primary switch management card.
9. Regarding claim 8, Missett teaches (col. 18, line 14 – col. 19, line 5) a standby switch management card that assumes responsibilities of the primary switch management card in the event of a failure of the primary switch management card.
10. Regarding claim 9, Missett teaches (col. 18, line 14 – col. 19, line 5) the mismatch synchronization of the standby switch management card with the primary switch management card.
11. Regarding claim 10, Missett teaches (col. 17, line 12 – col. 18, line 12) the control mechanism runs a plurality of processes that perform a consistency check (comparing) between stored configuration information and a hardware configuration for the node.

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12. Regarding claim 11, Missett teaches (col. 18, line 14 – col. 19, line 5) memory for saving a set of default configurations, wherein the node utilizes the set when there is a mismatch between the identification code and the configuration information.

13. Regarding claim 12, Missett teaches (col. 18, line 14 – col. 19, line 5) the node disallows trunks from being configured during the mismatch.

14. Regarding claim 13, Missett teaches (col. 18, line 14 – col. 19, line 5) the node disallows circuits from being configured during the mismatch.

15. Regarding claim 15, Missett teaches (figs. 3 and 6) a method for restoring configuration information in a node of a communications network; comprising: performing a consistency check (comparing) between an identification code program into the node and configuration information (hardware serial number) stored in a control mechanism in the node; and raising an alarm (col. 24, lines 6-9) if the consistency check reveals a mismatch between the identification code and the configuration information (col. 17, line 12 – col. 18, line 12).

16. Regarding claim 18, Missett teaches (col. 17, line 12 – col. 18, line 12) preventing a set of processes for the node from running if there is a mismatch.

17. Regarding claim 19, Missett teaches (figs. 3 and 6) a method of preserving configuration information in a node of a communications network when there is a discrepancy between a

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hardware configuration and configuration information stored in a control mechanism for the node, comprising: performing a consistency check (comparing) between an identification code program into the node and configuration information stored in a control mechanism in the node (col. 17, line 12 – col. 18, line 12).; and raising an alarm (col. 24, lines 6-9) if the consistency check reveals a mismatch between the identification code and the configuration information.

18. Regarding claim 20, Missett teaches (col. 17, lines 34-41) identifying inconsistencies between the configuration information and the hardware configuration.

19. Regarding claim 21, Missett teaches (col. 24, lines 6-9) a port manager raises an alarm if a port configuration is mismatched.

20. Regarding claim 22, Missett teaches (col. 24, lines 6-9) a trunk manager raises an alarm if a trunk configuration is mismatched.

21. Regarding claim 23, Missett teaches (col. 24, lines 6-9) a signaling daemon raises an alarm if a cross connect is mismatched.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Missett.

24. Regarding claims 14 and 17, Missett does not teach the node prevents improper IP addresses from propagating through the network during the mismatch. However IP is well known in the art and it would have been obvious to one of ordinary skill in the art to adapt IP to Missett's invention to broaden the scope of the invention.

Allowable Subject Matter

25. Claims 3 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665


STEVEN NGUYEN
PRIMARY EXAMINER